

Notice of Allowability

Application No.

09/920,496

Examiner

Dwayne K Handy

Applicant(s)

HALL ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment/arguments filed 9/17/2004.
2. ☒ The allowed claim(s) is/are 10-19,22-24 and 26-37.
3. ☒ The drawings filed on 9/17/04 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

Allowable Subject Matter

1. Claims 10-19, 22-24 and 26-37 are allowed.
2. The following is an examiner's statement of reasons for allowance:

In claim 10, applicant has claimed a cover for sealing a multiwell plate comprised of a lid having several elements. The lid has a curvilinear upper section (see Figs 5 and 6) that is resiliently deformable and straightens when positioned on the surface of the microplate to press a gasket against the microplate surface, opposed first and second parallel side walls, and a gasket fixed to the underside of the lid. The sidewalls have a first end that integrally depends from their respective peripheral side of the lid. Each wall contains at least one lateral projection extending directly from a lower edge of the sidewall that engages with a lower surface of the multiwell plate. The upper section of the lid and side walls are sufficiently resiliently flexible to flex the side walls into three different positions: (1) a first "at rest" position where the two lateral walls are spaced a first distance apart; (2) a second position wherein the two side walls are further apart than in the first at rest position; and (3) a third "grasping" position wherein the side walls and their lateral projections are closer than in the second position. This feature is shown in Figures 6-8. Claim 22 claims an assembly that contains a cover having the features mentioned above as well as a microplate. Claim 32 recites a cover similar to that of claim 1 the two sidewalls face laterally inward for grasping engagement with the microplate, but claim 1 specifies that the two sidewalls face laterally inward to contact a lower surface. The embodiment in claim 32 also includes a stacking lug. The Examiner

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did not find prior art that taught or suggested the combination of elements described above. The Examiner considers Finneran (6,193,064) to be the closest prior art. Finneran teaches a multi-tier vial plate with concave cover but does not teach a resilient, but flexible sidewall portions of the lid that may be manipulated into different positions.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

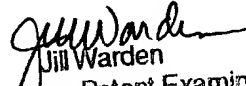
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dwayne K Handy whose telephone number is (571)-272-1259. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on (571)-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DKH
September 28, 2004


Jill Warden
Supervisory Patent Examiner
Technology Center 1700